
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

RYAN DILLON-CAPPS

Plaintiff,
vs.

OHANA GROWTH PARTNERS, LLC *et al*

Defendants

Civil Action

No. 1:24-CV-3744

Hon. **Judge Hurson**

REQUEST FOR ISSUANCE OF SUMMONS AND SERVICE

1 Plaintiff, Ryan Dillon-Capps, proceeding in forma pauperis (IFP), respectfully submits this Request for Issuance of Summons and Service in the above-captioned matter.

I BACKGROUND

2 Plaintiff filed a complaint in this Court on December 27, 2024, at 12:22 PM (See ECF 1-0, at 1), and was granted in forma pauperis status on January 8, 2025. (See ECF 18-0, at 21)

3 The complaint was filed with an emergency motion seeking ex-parte hearing to provide testimony and evidence under seal pursuant to Federal Rules of Civil Procedure 65(b), 26(c), and 6(c)(I)(C). See ECF 6-0, at 1.

4 U.S. Marshall Service Form USM-285 (See ECF 1-3) and U.S. District Court Summons in Civil Action Form AO 440 (See ECF 1-2) for all original defendants except, Victoria K. Hoffberger, was filed with the Court on December 27, 2025. Victoria K. Hoffberger AO 440 Form was filed on December 30, 2024. See ECF 15-1.

5 Under Federal Rule of Civil procedure 4(c)(3) and 28 U.S.C §1915(d), the U.S. Marshals are responsible for serving the complaint on the named defendants.

6 On January 8, 2025, the Court dismissed some of the defendants, denied the hearing to receive testimony and evidence under seal, and ordered the Plaintiff to file an amended complaint by January 31, 2025. See ECF 18-0, at 21.

7 Plaintiff filed a motion for reconsideration pursuant to rule 59e on January 13, 2025. See ECF 19-0, at 1.

8 The Court denied the motion for reconsideration on January 29, 2025, and set a new deadline to file the amended complaint as February 12, 2025. See ECF 22-0, at 3.

9 Plaintiff filed an Amended Complaint on February 10, 2025, removing the dismissed defendants, and adding new defendants. See ECF 26-0, at 4-6.

10 Newly Added defendants U.S. Marshall Service Form USM-285 was filed with the amended complaint. See ECF 26-4. AO 440 Forms for the newly added defendants was filed on February 13, 2025, and is pending ECF Pro Se processing.

11 Plaintiff filed Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction against Ohana Growth Partners, LLC (See ECF 25-0) with the Affidavit of Ryan Dillon-Capps Amended Complaint Statement of Facts (See ECF 24-0) on February 7, 2025.

12 The Court denied the emergency motion for TRO and PI without a hearing on February 12, 2025, and cited that personal service has still not occurred. See ECF 27-0, at 4.

13 Plaintiff filed a motion to reconsider the emergency motion for TRO and PI referencing IFP status on February 13, 2025. See ECF 28-0, at 6.

II ARGUMENT

14 Given that Plaintiff has proceeded in forma pauperis, the Court has a statutory obligation under 28 U.S.C. § 1915(d) to ensure timely service by the U.S. Marshals Service. Plaintiff has timely submitted all required USM-285 and AO 440 forms, yet service has still not been

effectuated. This delay is entirely outside Plaintiff's control, despite the Court's obligation under 28 U.S.C. § 1915(d) to ensure timely service for IFP litigants. Failure to serve Defendants due to administrative delays should not prejudice Plaintiff's ability to proceed with his case.

15 The Court's prior denial of Plaintiff's Emergency Motion for a Temporary Restraining Order and Preliminary Injunction (ECF 27-0) cited the lack of personal service as a basis for denial. However, Plaintiff has diligently complied with all procedural requirements, and the failure to effectuate service is solely due to administrative delays. The failure to effectuate service prevents Plaintiff from fully prosecuting his claims, delays Defendants' obligation to respond, and unjustly prolongs this litigation to Plaintiff's detriment. Further delay may cause unnecessary prejudice to Plaintiff.

III REQUEST FOR ISSUANCE OF SUMMONS AND SERVICE

16 Plaintiff respectfully requests the following relief:

1. That the Clerk of Court promptly issue the summons for the defendant(s) named in this case.
2. That, pursuant to FRCP 4(c)(3), the Clerk forward the issued summons, along with a copy of the complaint and necessary documents, to the U.S. Marshalls Service for proper service upon the defendant(s).
3. That the Court grant any additional relief it deems just and proper.

17 Plaintiff expresses gratitude for the Court's attention to this matter and respectfully requests that the summons be issued without further delay to prevent undue prejudice to Plaintiff's case.

18 In light of the above, Plaintiff respectfully requests that the Court issue an order directing the U.S. Marshals Service to effectuate service without further delay. Plaintiff also requests that

the Court direct the Clerk's Office to immediately issue the summons to prevent continued procedural prejudice to Plaintiff.

RESPECTFULLY SUBMITTED

February 13, 2025

/s/ Ryan Dillon-Capps
Ryan Dillon-Capps

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